



08-18-06

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Mueller et al. Confirmation No.: 1828  
Serial No.: 09/891,715 Art Unit: 3763  
Filed: June 26, 2001 Examiner: Rodriguez, Cris Lorien  
For: METHOD AND APPARATUS FOR Attorney Docket No.: 10177-142-999  
TREATING ISCHEMIC TISSUE

NOTICE OF APPEAL FROM THE PRIMARY EXAMINER  
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

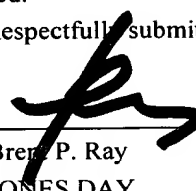
Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision dated February 17, 2006 of the Primary Examiner finally rejecting claims 35-47 of the above-identified application.

The item(s) checked below are appropriate:

1. ☒ An extension of time for responding to the final rejection for 2 month(s):  
☐ was filed on .  
☒ is submitted herewith.
2. ☐ A timely response to the final rejection has been filed.
3. ☒ A fee in the amount of \$500.00 is:  
☒ Required.  
☐ Not required (Fee paid in prior appeal).
4. ☐ Applicant has qualified for the 50% reduction in fee for an independent inventor, non-profit organization or small business concern and a fee in the amount of \$250.00 is:  
☐ Required.  
☐ Not required (Fee paid in prior appeal).
5. ☒ Please charge the required fee, if any, to Jones Day Deposit Account No. 50-3013. A copy of this sheet is enclosed.

Respectfully submitted,

Date: August 16, 2006

  
Brent P. Ray  
JONES DAY  
222 East 41st Street  
New York, New York 10017  
(212) 326-3939

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(Reg. No.)

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